in its place. There are two or three other works which ought to be similarly excommunicated, — but that is another story.

The English editor has well perpetuated the spirit of the original by his illustrations from modern trials. The footprints, the bloodstains, the laundry numbers on the linen, the arsenic in the tarts, the water-mark on the paper, and the ballad in the bullet-wad, — these familiar stage-accessories of crime and detection reappear in new varieties to illustrate and to convince. Of course, we are opposed to the plan here followed of interpolating additions to a classical treatise without printers' marks to attribute *suum cuique;* but that is a minor matter. The usefulness of the book has been preserved as well as though it were just written.

The American Notes, which are placed at the end of each chapter and make about one-fourth of the book, have collated a large number of American decisions ranging over the whole subject, — how many cannot be told, for by some oddity there is no table of cases. It would seem that they have not been adequately worked over to form a real commentary on the text, and they also seem scrappy; for example, at p. 32 the author says that Coke's old distinction of presumption as "violent or necessary, probable or grave, and slight," is "specious and fanciful, rather than practical and real"; and yet at p. 422 *a* the American note quotes in full, from an old opinion of Walworth, in New York, somewhere back in 1840, an elaborate statement of the same worn-out distinction, without comment or cross-reference. Moreover, the reader should not be left ignorant of the modern repudiation of the prevailing use of "presumption" as meaning "inference" in the author's day.

But the chief disappointment is that the American Notes do not fit the spirit of the original book. Apart from the Molineux case, and a few others, the Notes consist merely of citations of decisions on abstract rules of law. Now the main virtue of the book has always lain in its copious illustrations of the probative force of different circumstances of inference, regardless of the rules of evidence. In the American annals there is a vast wealth of such illustrations. Some day a book founded on a thorough search of this material will do for us the same service which the original book has done for England. J. H. W.

A TREATISE ON THE PRINCIPLES AND PRACTICE OF THE ACTION OF EJECTMENT AND STATUTORY SUBSTITUTES. By Geo. W. Warvelle. Chicago: T. H. Flood and Company. 1905. pp. lviii, 679. 8vo.

As the scope of this excellent work is much broader than its title suggests (since it treats adequately the entire subject of trial of disputed land titles), it will unquestionably be found of great assistance to members of the legal profession engaged in any kind of litigation involving this branch of the law, especially in the preparation of their cases for trial. Examination of the book, we are pleased to say, shows it to be a clearly written and intelligent piece of work, bearing evidence of painstaking research and careful study on the part of the author, and confirms the statement of the author in his preface, that "the work is essentially a treatise, not a digest." In this latter respect, happily, it differs from many recent so-called text-books, which appear to be mere compilations of headnotes and digest paragraphs, thrown together with some attempt, — though often very slight, — at topical arrangement.

A few of the author's statements of law call for comment. Thus the statement on p. 440 that "even at common law a bastard might inherit from his mother" we think is not supported by the authorities. See COM. DIG., Bastard (E), Descent (C) 12; 1 BL. COM., Bk. I., ch. 16, *459; 4 KENT COM. *413. Again at p. 368, as we understand the text, the author says that if a will has once been admitted to probate and is thereafter lost or destroyed, its contents may be proved by parol evidence; but "if the will had not been admitted to probate, no testimony concerning it should be received." It is well settled

that the contents of a lost or destroyed will may be established by parol testimony, and when so established may be admitted to probate as the will of the deceased. See, in addition to the well-known cases of *Davis* v. *Sigourney*, 8 Met. 487, and *Sugden* v. *St. Leonards*, 1 P. D. 154, the recent and interesting case of *Tarbell* v. *Forbes*, 177 Mass. 238.

The citation of cases is, professedly, not exhaustive (Preface, p. vi). It would nevertheless seem that all leading cases, such for example as those just cited, require notice. It also seems surprising that in his discussion of proof of heirship by the records and decrees of probate courts, the author makes no reference whatever to so important a case as Shores *v.* Hooper (153 Mass. 228). Moreover, while on the subject of citation, the author's lack of uniformity in his mode of citing cases should be referred to. Some attempt is made at giving, in addition to the reference to the official reports, parallel references to the National Reporter System, the American State Reports, etc. Such parallel references, however, are not habitually, or even frequently, given. Often they are wholly omitted; sometimes they are given when a case is first cited and not given when the same case is again cited on a later page. Again, in his citation of decisions of the United States Supreme Court, this same lack of uniformity appears. Thus Cincinnati *v.* White is cited on pp. 43 and 44 as reported in 31 U. S. 431; on p. 267, as in 6 Peters 431. Other instances of the same sort could be given. Personally we prefer the latter form of citation, since we believe it is in more general use among the profession, and that the employment of a different form of citation simply confuses, annoys, and delays the practitioner. But at all events we feel certain that one form or other should be adopted by an author and consistently adhered to throughout his work.

The faults of this work, however, are small when compared with its real merits and practical value; and we have no desire to obscure the latter by a prolonged discussion of the former. A few misprints have been noticed, for the most part unimportant (see pp. 43, 391, 392; Arnold *v.* Cheeseborough, cited on p. 413 as in 85 Fed., is reported in 58 Fed.) We have also noticed that neither Stein *v.* Bowman, cited on p. 428, nor De Lane *v.* Moore, cited on p. 417, is listed in the table of cases. S. H. H.

A SUMMARY OF TORTS. By Frank A. Erwin. Second Edition, revised and enlarged. New York: Leslie J. Tompkins. 1906. pp. viii, 225. 8vo.

This book presents in brief and excellent form the general principles of the law of Torts. The industry and judgment of the author are apparent, not in the matter of the work, which is almost wholly non-original, but in the choice and arrangement of the material. Almost every statement is quoted *verbatim*, with appropriate quotation-marks and references, from decisions in leading cases or the commentaries of well-known authors. One might expect to find the effect thus produced fragmentary, and to be impressed by the absence of coherence and logical sequence; but so skillfully has Professor Erwin done his work as weaver and so aptly has he supplied the necessary links of connective and explanatory sentences, that the book is not only an orderly treatment of the leading topics in the law, but it is distinctly readable as well. The analysis follows that which has been commonly adopted in larger and more pretentious text-books: treating first the general considerations involved in all cases of tort, and taking up then the specific classes of wrongs *ex delicto* for which the law gives redress. The general discussion includes a statement of principles which might be grouped with equal or greater logic under other headings in the law, such as the rules governing the liability of a principal for acts of his agent, the fellow servant rule, the liability of corporations for torts *intra* and *ultra vires*, and the survivorship of actions for personal injuries; but these rules, though dependent upon principles not inherent in any theories of tort, are of such